HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, Colorado 80528

PATENT APPLICATION

ATTORNEY DOCKET NO. 100204030-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Robert Douglas Christiansen	Confirmation No.:	7123
Application No.:	10/620,067	Examiner:	Hilina S. Kassa
Filing Date:	7/14/2003	Group Art Unit:	2609

Title: Automatically configuring a raster image processor

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on April 14, 2010 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,
Robert Douglas Christiansen

By: /Michael Dryja/
Michael Dryja
Attorney/Agent for Applicant(s)
Reg No. : 39,662
Date : 6/7/2010
Telephone : (480) 463-4837

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named Applicant: Robert Douglas Christiansen Application No.: 10/620,067 (CONF 7123) Filed: 7/14/2003 Title: Automatically Configuring a Raster Image Processor Attorney Docket No.: 100204030-1	Group Art Unit: 2609 Examiner: Hilina S. Kassa

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY BRIEF

This Reply Brief is responsive to the Examiner's Answer of April 14, 2010. The issue before the Board is particularly whether independent claims 1, 10, and 17 are properly rejected under 35 USC 102(b) as being anticipated by Zuber (6,035,103). Applicant has discussed claim 1 as exemplary of all the independent claims insofar as this rejection is concerned. Claim 1 specifically recites that a RIP engine is requested to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference, where the dynamic configuration is requested in consideration of the RIP engine RIPing a particular portion of the print job.

Applicant continues to contend that the Examiner is misinterpreting Zuber, and that Zuber does not disclose this claimed feature. The Examiner has again focused on FIG. 12 of Zuber (see Answer, p. 16). Specifically, the Examiner has stated that blocks 356 and 358 are processors that RIP a print job, such that the processor 356 is configured to RIP the black-and-white pages of the print job, and such that the processor 358 is configured to RIP the color pages. That is, the Examiner has stated that:

> It is disclosed that the software RIP is operable to retrieve the multi-page document and RIP the document into separate pages, which the pages are separate and distinct and have associated therewith parameters that define the nature of the document as to printing i.e., color black and white . . . then the job will get divided into two or more jobs based on the parameters. Thus the separated jobs get sent to the 356 and 358 processors ***to be RIP processed*** before routing them to the [print] engine.

(Id.) (Emphasis added).

However, this is *not* what Zuber does. Rather, Zuber performs *all* RIPing in block 350. No further RIPing is performed in blocks 356 and 358 – as is clear from the explanation of blocks 356 and 358 in col. 15, ll. 63-65. Rather, blocks 356 and 358 convey that the *already RIPed* black-and-white pages are sent to black-and-white *print* engines, and that the *already RIPed* color pages are sent to color *print* engines. As discussed in detail in the previously filed appeal brief, the *print* engines in Zuber are *not* RIP engines, and thus do not perform any type of RIP operations (see appeal brief, p. 6, first complete para.).

That is, the Examiner has interpreted Zuber as anticipating claim 1 as follows. Claim 1 recites that a RIP engine is requested to perform dynamic configuration of at least one RIPing parameter, in consideration of the RIP engine RIPing a particular portion of a print job. The Examiner has interpreted FIG. 12 of Zuber to indicate that the RIP in block 350 separates a print job into black-and-white pages and color pages, and that then block 356 performs RIPing of the black-and-white pages and block 358 performs RIPing of the color pages.

However, this interpretation of FIG. 12 of Zuber is incorrect. The process of FIG. 12 is indeed "initiated at the software RIP in a block 350, which is operable to retrieve the initial multi-page document and RIP the document into separate pages, which pages are separate and distinct and have associated therewith parameters that define the nature of the document as to printing, i.e., whether it is color or black and white" (col. 15, ll. 51-57). However, Zuber goes on to say that, the "process will then flow to a virtual job router block 354, which is the parsing operation," such that the "black and white job is routed to a first job block 356 and the color job is routed to a second job block 356," such that "[b]oth of these jobs are handled by a job manager 360" (col. 15, ll. 58-65). Now, the "job manager will route the black and white job to a first virtual engine, represented by a block 362, which has associated therewith four black and white print engines 364," and "will route the second job associated with the block 358 to a second virtual engine 366, having associated therewith four color print engines 368" (col. 15, l. 66, through col. 16, l. 5).

Therefore, it is clear that Zuber does *not* perform any RIP in blocks 356 and 358. *All* of the RIP is performed in block 350; after RIP has been performed, the blocks 356 and 358 simply are used to convey that the black and white pages – *after RIP has been performed* – are routed to black-and-white print engines, and that the color pages – *again, after RIP has been performed* – are routed to color print engines. As such, Zuber does not anticipate claim 1.

The reversible error in the Examiner's rejection is thus found in the underlined portion of the Answer excerpted above. The Examiner has stated that "the separated jobs get sent to the 356 and 358 processors *to be RIP processed* before routing them to the [print] engine" (Answer, p. 16) (Emphasis added). As discussed above, however, blocks 356 and 358 do *not* perform any type of RIP processing. Zuber simply does not anticipate claim 1.

The Examiner has also relied upon column 18, lines 30-41 of Zuber as disclosing claim 1's recitation that a RIP engine is requested to perform dynamic configuration of at least one RIPing parameter, in consideration of the RIP engine RIPing a particular portion of a print job. However, column 18, lines 30-41 simply state that the software RIP (i.e., of block 350 of FIG. 12) "is operable to provide dispersed screening techniques and conventional halftone screening techniques, in addition to a contone dot generator," such that the "user can select which form of out[put] is desired," and such that "the software RIP rasterizes data at a variety of bit depths." In other words, this portion of Zuber simply states that RIPing is performed via various techniques, in accordance with the user's preferences. By comparison, claim 1 recites that a RIP engine is requested to perform *dynamic* configuration of at least one RIPing parameter, in consideration of the RIP engine RIPing a particular portion of a print job. Column 18, lines 30-41 of Zuber just do not disclose this feature of claim 1.

However, the Examiner has stated that column 18, lines 30-41 means "it would be inherent to coincide/congruent the parameter of the print job [*sic*] with the RIP software as it would process the color and black and white differently [*sic*] with respect to the job by having to RIP configured to use, e.g., dispersed screening techniques or conventional halftoning techniques" (Answer, top of p. 17). In the first instance, Applicant does not truly understand exactly what the Examiner is trying to say here, as the Examiner's argument is replete with grammatical errors that

makes comprehension at best very difficult. Nevertheless, Applicant *thinks* the Examiner is trying to say that the RIP software has to process color and black-and-white pages differently, and as such inherently would dynamically modify RIPing parameters as it encounters pages of different types.

However, first, it is definitely not inherent in Zuber that black and white pages have to be processed differently than color pages when performing RIP, and the Examiner has not provided any evidence in this respect. Indeed, Zuber only distinguishes black-and-white pages from color pages when it is time to print the pages, as depicted in FIG. 12, such that black-and-white pages are sent to black-and-white printers for printing, and color pages are sent to color printers for printing. By comparison, the RIP of part 350 in FIG. 12 of Zuber makes no distinction between black-and-white pages and color pages. As such, the Examiner is not correct in saying that it is inherent that black-and-white pages have to be RIPed differently than color pages in Zuber.

Furthermore, second, even if Zuber does RIP black-and-white pages differently than color pages, it does not follow that RIPing parameters have to be modified *dynamically* as pages of different types are encountered, and as such Zuber does not disclose the exact subject matter recited in claim 1. For example, Zuber may have color RIPing parameters and black-and-white RIPing parameters. When Zuber encounters a color page, it performs RIP in accordance with the color RIPing parameters, and when Zuber encounters a black-and-white page, it performs RIP in accordance with the black-and-white RIPing parameters. As such, none of these parameters are *dynamically* configured in consideration of the RIP engine RIPing a particular portion of a print job. Both the black-and-white parameters and the color parameters can just as easily have been specified *a priori*, as Zuber seemingly suggests insofar as the parameters are specified by a user. "Inherency . . . may not be established by *probabilities or possibilities*"; "the mere fact that a certain thing *may* result from a given set of circumstances is not sufficient" (In re Oelrich, 212 USPQ 323, 326 (CCPA 1981)).

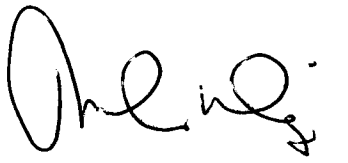
Ultimately, then, we have to go back to the standard for anticipation under 35 USC 102, which is that is that every aspect of a claim must *identically* appear in a single prior art reference for it to anticipate the claim under 35 USC 102. (In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990))

That is, "there must be *no difference* between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." (Scripps Clinic & Research Found. v. Genentech, Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991))

In the present situation, the Examiner has located a reference, Zuber, which at best "kind of" discloses the subject matter of claim 1. Zuber performs RIPing, as does claim 1. However, as to FIG. 12 of Zuber, the Examiner's reasoning misinterprets what Zuber says, such that Zuber does not actually disclose the identical subject matter being claimed. That is, in FIG. 12, there is no distinction made in RIPing pages based on whether they are color or black-and-white. Furthermore, as to column 18, lines 30-41 of Zuber, the Examiner's reasoning relies on significant hypothetical extrapolation as to what Zuber "inherently" has to be performing. However, what the Examiner says is inherent in Zuber is definitely not inherent, as Applicant has described above, such that Zuber does not disclose the identical subject matter being claimed. That is, that a user can specify parameters governing how RIPing is to be performed does not meant that a RIP engine is requested to *dynamically* configure a RIPing parameter in consideration of the RIP engine RIPing a particular portion of a print job.

For these reasons, therefore, Applicant requests that the Board reverse the Examiner's ultimate holding that the pending claims of the present patent application is not allowable.

Respectfully Submitted,



June 7, 2010
Date

Michael Dryja, Reg. No. 39,662
Attorney/Agent for Applicant(s)

Michael Dryja, Esq.
Law Offices of Michael Dryja
1230 E Baseline Rd #103-248
Mesa, AZ 85204

tel: 480-463-4837
fax: 480-371-2110